

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CITY PARKWAY V, INC., et al.,)
Plaintiffs/Counterdefendants,)
v.)
UNION PACIFIC RAILROAD)
COMPANY,)
Defendant/Counterclaimant.)
)
)
)
)
)
2:09-CV-01299-PMP-GWF
ORDER

Before the Court is Defendant/Counterclaimant Union Pacific Railroad Company’s (“UPRR”) Motion for Partial Summary Judgment (Doc. #178), filed on July 30, 2014. Plaintiffs/Counterdefendants City Parkway V, Inc., City Parkway IV A, Inc., and Office District Parking I, Inc. filed a Response (Doc. #190) on August 13, 2014. As discussed at the status conference on July 24, 2014, the Court granted UPRR leave to file the Motion with the understanding that the Court would not necessarily rule on the merits of the Motion. (Tr. (Doc. #177) at 6-7.)

The Court will deny the Motion as untimely. UPRR could and should have filed this Motion before the June 21, 2010, dispositive motion deadline. (Disc. Plan & Sched. Order (Doc. #27).) While some of the issues in the Motion will likely be raised at trial, the Court will not adjudicate a summary judgment motion filed over four years after the dispositive motion deadline and on the eve of trial.

1 IT IS THEREFORE ORDERED that Defendant/Counterclaimant Union Pacific
2 Railroad Company's ("UPRR") Motion for Partial Summary Judgment (Doc. #178) is
3 hereby DENIED.

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5 DATED: August 22, 2014

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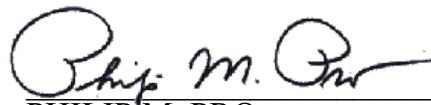
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PHILIP M. PRO
United States District Judge